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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

THIS DOCUMENT RELATES TO:

Solano v. Vistra Corp
Vitale v. Vistra Corp.
Kloeppel v. Vistra Corp.
Collier v. Vistra Corp.
Stack View Farms, Inc. v. Vistra Corp.
Smith v. Vistra Corp.
Bright Future Solar Energy, LLC v. Vistra Corp.
Martin v. Vistra Corp.
Bock v. Vistra Corp.

Case No. 5:25-cv-02073-EKL
Case No. 5:25-cv-02489-EKL
Case No. 5:25-cv-02800-EKL
Case No. 5:25-cv-02951-EKL
Case No. 5:25-cv-04193-EKL
Case No. 5:25-cv-05407-EKL
Case No. 5:25-cv-05485-EKL
Case No. 5:25-cv-05804-EKL
Case No. 5:25-cv-06869-EKL

**SUPPLEMENTAL JOINT CASE
MANAGEMENT STATEMENT**

Judge Eumi K. Lee
Courtroom 7, 4th Floor
Date: January 8, 2026
Time: 3:00 p.m.

On October 16, 2025, Plaintiffs Kim Solano, Luis Solano, The Haute Enchilada, Inc., Haute Properties, LLC, Sofia Vitale, Jonathan Vitale, Mari Kloeppel, Klaus Kloeppel, Robert Collier, Fabienne Boulongne-Collier, Stack View Farms, Inc., David Hyland, Tyler Smith, Bright Future Solar Energy, Inc., Central Coast Renewables, LLC, and Linda Martin, (collectively with Lou Bock, “Plaintiffs”); Defendants Vistra Corp., Vistra Corporate Services Company, Dynegy Operating Company, Moss Landing Power Company, LLC, Moss Landing Energy Storage 3, LLC, Luminant Power Generation LLC (collectively, “Vistra”); and LG Energy Solution Arizona, Inc. (“LGES Arizona”), and LG Energy Solution Vertech, Inc. (“LGES Vertech” and together with LGES Arizona, “LG Defendants”) filed Joint Case Management Statements pursuant to Federal Rules of Civil Procedure 16 and 26, Civil Local Rule 16-9, and the Standing Order for All Judges of the Northern District of California. The Parties file this Supplemental Joint Case Management Statement in advance of the January 8, 2026 case management conference to update the Court on developments since those Joint Case Management Statements were filed.

Jurisdiction and Service

Plaintiffs allege that all Defendants are subject to specific personal jurisdiction in California because a substantial part of the events and conduct giving rise to Plaintiffs’ claims occurred in California. The LG Defendants dispute that either LGES Arizona or LGES Vertech are subject to personal jurisdiction, and the Court granted their motion to dismiss on that basis with leave to amend in *Solano* and *Vitale*. *Solano*, Dkt. 97 at 49:21–50:5; *see also id.*, Dkt. 93; *Vitale*, Dkt. 68.

Motions and Amendment to Pleadings

Motion to Dismiss. Vistra and the LG Defendants filed motions to dismiss in *Solano v. Vistra Corp.*, No. 5:25-CV-02073-EKL (“*Solano*”), and *Vitale v. Vistra Corp.*, No. 5:25-CV-02489-EKL (“*Vitale*”). On November 13, 2025, the Court held a hearing on these motions. At the hearing, the Court granted the LG Defendants’ motions to dismiss with leave to amend based on lack of personal jurisdiction, granted Vistra’s motion to dismiss in *Vitale* with partial leave to amend, and took Vistra’s motion to dismiss in *Solano* under submission. The deadline for the plaintiffs to file amended complaints in *Solano* and *Vitale* will be 14 days after the Court issues a written order regarding Vistra’s motion to dismiss in *Solano*. Defendants anticipate that they may file motions to dismiss the amended

complaints that are to be filed in *Solano* and *Vitale*. The Parties have filed a stipulation that, in the interests of the parties and judicial efficiency, Defendants will not respond to the complaints in the other federal cases at this time. Plaintiffs' deadlines to amend their complaints, or inform Defendants that they do not intend to amend, in all other cases will be thirty (30) days after the Court issues orders on the motions to dismiss the amended complaints in *Solano* and *Vitale*. Defendants' deadline to respond to the pleadings is (45) forty-five days after the plaintiffs file, or inform Defendants they do not intend to file, an amended complaint.

Judicial Council Coordination Proceedings ("JCCP") Petition (State Court). The state court plaintiffs filed a JCCP petition (JCCP No. 5427) on October 30, 2025. The Judicial Council has designated Alameda County for the motion hearing, but no coordination motion trial judge has been assigned, and no hearing date has been set. Vistra intends to file a notice of non-opposition to the petition.

Vistra's Anticipated Motion

Vistra intends to file an administrative motion to relate *Bright Future Solar Energy, Inc. v. Vistra Corp.*, 5:25-cv-05485-EKL ("*Bright Future*"), and *Martin v. Vistra Corp.*, 5:25-cv-05804-EKL ("*Martin*"), to *Solano* under Civil L.R. 3-12.

Evidence Preservation

The Plaintiffs in *Schmidt v. Moss Landing Power Company*, 25CV109594 (Alameda Superior Ct.), filed a "Motion for Preservation Order Regarding Battery Evidence and Predictive Analysis by Defendants LG Energy Solution, LTD., LG Energy Solution Arizona, Inc., LG Energy Solution Michigan, Inc., and LG Energy Solution Vertech, Inc.," which requested, among other things, that the court order those LG entities to apply their algorithm to available data for certain batteries at ML300 and order defendants, including Vistra, to preserve batteries identified by the algorithm. The LG entities responded to the motion by indicating that they intended to contest personal jurisdiction and therefore were constrained from responding substantively to the motion. This motion was granted on December 9, 2025, and the judge entered an order on December 16, 2025, ordering, among other things, that "the LG Defendants shall produce to all parties the generated list of battery modules flagged in 2025 by the 2025 AI tool," "must preserve the results of all prior applications of the 2025 AI Tool to

any ML300 data,” “shall promptly run the 2025 AI Tool on the ML300 data that existed just before (or at the time of) the Moss Landing Fire,” and “shall promptly produce the results of the 2025 AI Tool application . . . to all parties,” by December 23, 2025. It additionally ordered Vistra to “preserve 75 unburned batter modules” as selected “following a meet and confer between Vistra and Plaintiffs.” The LG entities contend that the proposed order on which that court’s order was based, which was submitted by Plaintiffs in collaboration with Vistra and without conferring with the LG entities, did not accurately reflect the court’s direction at the hearing and the LG entities will be bringing this issue to that court’s attention.

Initial Disclosures

Plaintiffs and Vistra exchanged Rule 26(a)(1) initial disclosures on November 24, 2025, and December 5, 2025 (Vistra’s disclosures in *Bock*). LGES Arizona and LGES Vertech have taken the position that they are not required to serve initial disclosures at this time in light of the Court’s ruling in *Solano* and *Vitale* that it lacks personal jurisdiction over either entity, a ruling that they contend applies equally to the other federal cases.

Discovery

The Parties agree it is important to coordinate discovery with the state court cases and, as such, are awaiting a decision on the JCCP petition before submitting a proposed discovery schedule.

Related Cases

Since the initial Joint Case Management Statements were filed, *Stack View* and *Bock* were formally related to *Solano* and reassigned to Judge Eumi K. Lee. *Bright Future Solar Energy, Inc. v. Vistra Corp.*, 5:25-cv-05485-EKL and *Martin v. Vistra Corp.*, 5:25-cv-05804-EKL, while already assigned to Judge Eumi K. Lee, have not formally been related to *Solano* under Civil L.R. 3-12. Vistra intends to file an administrative motion to relate these cases. Two additional state court cases have been filed since October 16: *Monterey Bay Eco Tours, LLC v. Vistra Corp.*, 25CV153591 (Alameda Superior Ct.) (“*Monterey Bay Eco Tours*”), and *Johnson v. Moss Landing Power Company*, (case number not assigned yet) (Alameda Superior Ct.). Vistra provided notice to the Judicial Counsel of California that *Monterey Bay Eco Tours* is a potential add-on case for inclusion in the JCCP.

Below is a list of all cases:

Federal: *Solano v. Vistra Corp.*, 5:25-CV-02073-EKL; *Vitale v. Vistra Corp.*, 5:25-cv-02489-EKL; *Kloeppel v. Vistra Corp.*, 5:25-cv-02800-EKL; *Collier v. Vistra Corp.*, 5:25-cv-02951-EKL; *Stack View Farms Inc. v. Vistra Corp.*, 5:25-cv-04193-EKL; *Smith v. Vistra Corp.*, 5:25-cv-5407-EKL; *Bright Future Solar Energy, Inc. v. Vistra Corp.*, 5:25-cv-05485-EKL; *Martin v. Vistra Corp.*, 5:25-cv-05804-EKL; and *Bock v. Vistra Corp.*, 5:25-cv-06869-EKL.

State: *Vierra v. Moss Landing Power Company, LLC*, 25CV001943 (Monterey Superior Ct.); *Schmidt v. Vistra Corp.*, 25CV109594 (Alameda Superior Ct.); *Roeder v. Moss Landing Power Company, LLC*, 25CV114147 (Alameda Superior Ct.); *Jackson v. Vistra Corp.*, 25CV116109 (Alameda Superior Ct.); *Monterey Bay Eco Tours, LLC v. Vistra Corp.*, 25CV153591 (Alameda Superior Ct.); and *Johnson v. Moss Landing Power Company* (case number not assigned yet) (Alameda Superior Ct.).

Settlement and ADR

The Parties maintain that an early resolution is unlikely at this time.

Scheduling

The Parties believe a scheduling order is premature while another round of motion to dismiss briefing is anticipated in *Solano* and *Vitale* and state court coordination has not occurred yet. As discussed with this Court at the hearing on the motions to dismiss in *Solano* and *Vitale*, to the extent these cases survive pleading challenges, it is important that the case structure and schedule be coordinated with the state cases to avoid conflict and ensure efficiency. If the Court does not grant Defendants' motions to dismiss the amended complaints in *Vitale* and *Solano* in full, the Parties agree to confer further on the case schedule and coordinate with the parties in the state court proceedings and present a proposed schedule.

1 Dated: December 23, 2025

Respectfully submitted,

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ATTESTATION PURSUANT TO CIVIL L.R. 5-1

The filer attests that the other signatories listed, on whose behalf the filing is also submitted, are registered CM/ECF filers and concur in the filing's content and have authorized the filing.

Dated: December 23, 2025

By: /s/ Austin Schwing
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